

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JOYCE MARIE GRIGGS,

Plaintiff,

v.

AMERIQUEST MORTGAGE
COMPANY and JOHN DOES 1-10,

Defendants.

CIVIL ACTION FILE
NO. 1:06-CV-3147-CAP

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta
June 4, 2007
JAMES N. FULTON, Clerk
By *[Signature]* Deputy Clerk

**MOTION TO STAY UNDER THE SOLDIERS' AND SAILORS' CIVIL
RELIEF ACT OF 1940**

COMES NOW Plaintiff, Joyce Griggs, and files this motion to stay under the
Soldiers' and Sailors' Civil Relief Act of 1940 and shows the following:

1.

Plaintiff is currently serving in the United States Army on active duty in Arizona.

2.

Plaintiff's counsel made Defendants' counsel aware of Plaintiff's duties and
shortly afterwards Defendants filed to have this complaint removed although they knew
Plaintiff was away and incapable of properly responding.

3.

Further, Fulton County Superior Court Ural Glanville, stayed the proceeding in
the Superior Court.

4.

The proceedings were stayed until Defendants' removed the case to this Court.

5.

Plaintiff is not able to properly prosecute her case at his time and requests that this court stay the proceedings until she returns from duty.

MEMORANDUM OF LAW

6.

The Soldiers' and Sailors' Civil Relief Act of 1994, 50 U.S.C. § 521 provides:

“At any stage thereof any action or proceeding in any court in which a person in military service is involved, either as plaintiff or defendant, during the period of such service or within sixty days thereafter . . . shall, on application to it by such person or some person on his behalf, be stayed as provided in this Act, . . . unless, in the opinion of the court, the ability of plaintiff to prosecute the action . . . is not materially affected by reason of his military service.

7.

The Court has order that Plaintiff amend her complaint “stating with specificity what claims she is bringing and under what particular acts or omissions on which she cases those claims . . .” Because Plaintiff in on active duty in Arizona it would be impossible to amend her complaint, at this time, as ordered.

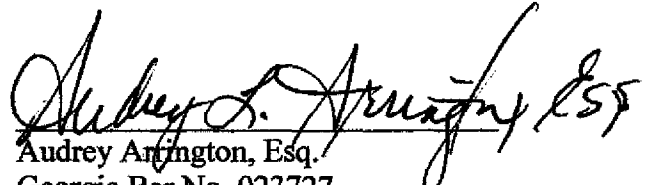
CONCLUSION

For these reasons, Plaintiff requests that this case be stayed until such time and Plaintiff returns from her duty in the service. Further, Plaintiff requests that Defendants

be made to pay attorneys' fees for their blatant violation of Superior Court's order staying these proceedings and further Plaintiff's attorney Audrey Arrington is only representing Plaintiff in the Superior Court of Fulton County and is unable to represent Plaintiff in this cause due to Plaintiff's attorney not be admitted to practice law in the United States Northern District of Georgia.

Therefore, out of an abundance of caution and in order to protect Plaintiff's right while she is under "The Act," Plaintiff's attorney in Superior Court requests that the case be remanded back to Superior Court because of the Superior Court's stay or that Plaintiff Joyce Griggs be allowed sufficient time from the date that she returns from duty to hire counsel.

This 4th day of June, 2007.


Audrey Arrington, Esq.
Georgia Bar No. 023727
Attorney for Plaintiff

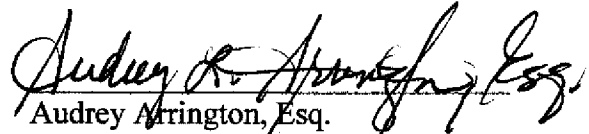
1456 Centra Villa Dr.
Atlanta, Georgia 30311
(404) 752-6249
(404) 752-0543 (fax)

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the following Motion on the opposing counsel by United States Mail with the proper postage affixed as:

Kwende Jones
Burr and Foreman, LLP
171 – 17th Street
Suite 1100
Atlanta, Georgia 30363

This 1st day of June, 2007.


Audrey Arrington, Esq.
Georgia Bar No. 023727
Attorney for Plaintiff

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